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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3

Debt Collection

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends 7 CFR Part 3 to include specifically as subject to the provisions of the Part specific debts arising out of programs administered by the Food and Nutrition Service (FNS).

The FNS food stamp debts must be subjected to 7 CFR Part 3 to fully participate in the Treasury Administrative Offset Program as required by the Debt Collection Improvement Act of 1996. Amending the 7 CFR Part 3 will ensure that food stamp debts are subjected to 7 CFR Part 3.

EFFECTIVE DATE: This rule is effective March 10, 1999.

FOR FURTHER INFORMATION CONTACT: Richard M. Guyer, 202-690-0291.

SUPPLEMENTARY INFORMATION:

I. Background

The Debt Collection Act of 1982 (DCA) is implemented on a government-wide basis pursuant to the Federal Claims Collection Standards (Standards), set forth at 4 CFR Part 101, *et seq.* The Standards are implemented at USDA pursuant to 7 CFR Part 3.

II. Section 3.10

Under the Debt Collection Improvement Act of 1996, Federal agencies participate in the Treasury Administrative Offset Program (TAOP) operated by the Treasury Department and administered pursuant to its regulations. In order for the Department of Agriculture to participate in the TAOP, its debts must be subject to 7

CFR Part 3. Section 3.10 sets forth USDA programs and authorities subject to the provisions of 7 CFR Part 3.

FNS seeks to ensure that Food Stamp debts are included in the TAOP. FNS Food Stamp debts include recipient debts and retailer/wholesaler debts. Previously, USDA amended section 3.10 to include recipient indebtedness. This amendment was necessary since such debts are collected under the Food Stamp program regulations, rather than under 7 CFR Part 3.

FNS now seeks to ensure that Retailer/Wholesaler debts are included in the TAOP. Unlike Recipient debts, Retailer/Wholesaler debts always have been governed by the guidelines set forth in the Federal Claims Collection Standards and have been managed in accordance with the provisions of 7 CFR Part 3. This amendment is intended to clarify that all FNS Food Stamp debts are subject to 7 CFR Part 3 and are included in the TAOP, not merely Recipient debts.

III. Final Rule

We have determined, under 5 U.S.C. 553(b) (3)(b), that prior notice and public comments are unnecessary and contrary to the public interest. The departmental interim rule specifically denotes the fact that FNS collection of food stamp debts meets the procedural requirements for participating in the TAOP authorized under the provisions of the Debt Collection Improvement Act of 1996. The rule does not affect the substantive authority under which FNS currently pursues such debts. Therefore, good cause is found that notice and public comment are unnecessary and contrary to the public interest and good cause for making this regulation effective upon publication in the **Federal Register**.

IV. Matters of Regulatory Procedure

E.O. 12291, Federal Regulation

As Secretary of Agriculture, I have determined that this is not a major rule as defined under section 12(b) of Executive Order 12291.

Paperwork Reduction Act

As Secretary of Agriculture, I have determined that the Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply because this regulation does not contain any information collection requirements that require the

approval of the Office of Management and Budget thereunder.

List of Subjects in 7 CFR Part 3

Agriculture, Claims, Government employees, Income taxes, Loan programs-agriculture, Wages.

Accordingly, for the reasons set forth in the preamble, the Department of Agriculture is revising Title 7, part 3 of the Code of Federal Regulations as follows:

PART 3—DEBT MANAGEMENT

Subpart A—Settlement of Small or Old Debts

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: Section 1, 58 Stat. 836, 12 U.S.C. 1150.

2. Section 3.10 is amended by revising the last sentence of the section to read as follows:

§ 3.10 Scope of the act.

* * * * *

51. Any indebtedness of food stamp recipients and retailers/wholesalers. Food Stamp Act.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 99-5849 Filed 3-9-99; 8:45 am]

BILLING CODE 3410-01-P

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Part 1381

Handler Petition Procedure

AGENCY: Northeast Dairy Compact Commission.

ACTION: Interim procedural rule with request for comments.

SUMMARY: This interim procedural rule amends the rules of practice governing proceedings on petitions to modify or be exempted from the compact over-order price regulations. The Commission amends the rule to provide the option, in appropriate circumstances, to appoint an independent hearing officer to serve as a single person hearing panel, to hear and issue recommended decisions in Handler Petition proceedings. The Commission retains its current provision for the appointment of a hearing panel of Commission members

to hear Handler Petitions, when appropriate.

DATES: Effective date: March 10, 1999.

Sworn and notarized written testimony, comments and exhibits may be submitted until 5:00 p.m. on April 9, 1999.

ADDRESSES: Mail, or deliver, sworn and notarized testimony, comments and exhibits to: Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, Vermont 05602.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229-1941, or by facsimile at (802) 229-2028.

SUPPLEMENTARY INFORMATION:

Background

The Northeast Dairy Compact Commission ("Commission") was established under authority of the Northeast Interstate Dairy Compact ("Compact"). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93-320; Maine—Pub. L. 89-437, as amended, Pub. L. 93-274; Massachusetts—Pub. L. 93-370; New Hampshire—Pub. L. 93-336; Rhode Island—Pub. L. 93-106; Vermont—Pub. L. 93-57. In accordance with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104-127 (FAIR Act), Section 147, codified at 7 U.S.C. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. 7256(1), authorized implementation of the Compact.

Pursuant to its rulemaking authority under Article V, Section 11 of the Compact, the Commission concluded an informal rulemaking process and voted to adopt a compact over-order price regulation on May 30, 1997.¹ The Commission subsequently amended and extended the compact over-order price regulation.² In 1998, the Commission further amended specific provisions of the over-order price regulation.³ The current compact over-order price regulation is codified at 7 CFR Chapter XIII.

On June 30, 1997, the Commission promulgated an interim procedural rule to implement Article VI, Section 16(b) of the Compact.⁴ That section of the Compact requires the Commission to establish a procedure for handlers to

petition for exemption or modification of any provision of the Compact over-order price regulation.⁵ The Commission requested comments on the interim procedural rule, however no comments were received.⁶ The rules are codified at 7 CFR Part 1381. As relevant here, the current regulations, section 1381.4(a), require the Chair of the Commission to appoint "from one to three Commission members who shall consider the petition" and serve as the hearing panel.

The Commission has received and processed a number of administrative petitions since July 1997. Based on its evolving experience with the current petition procedures, the Commission concludes that the rules should provide the discretion, in appropriate circumstances, of appointing an independent hearing officer, to serve as the hearing panel, in addition to the current provision for appointing a hearing panel of Commission members, to hear and issue recommended decisions in Handler Petition proceedings. The hearing officer would not be employed by or be a member of the Compact Commission, but would be qualified by training and experience to hear administrative handler petitions.

Accordingly, the Commission hereby amends section 1381.4(a) to authorize the Commission's Committee on Administration to determine whether to appoint a hearing panel consisting of either Commission members, or an independent hearing officer, to serve as the hearing panel. Based on the determination of the Committee on Administration, the Commission Chair then makes the appointment of the hearing panel.

The Commission amends the current procedural rule to be effective upon publication. In adopting this amendment to the current rule, the Commission specifically directed that this amended rule apply to all petitions filed, or for which filing of a petition is perfected, after March 3, 1999. Therefore, the Commission will hold all petitions filed, or for which filing is perfected, after March 3, 1999 and will

not make any hearing panel appointments between March 3, 1999 and publication of this rule.

Public Participation in Rulemaking Proceedings

The Commission seeks and encourages comments on these proposed amendments to the handler petition process. The Commission continues to benefit from the valuable insight and active participation of all segments of the affected community, including consumers, processors and producers in the development and administration of the over-order price regulation and welcomes comments from handlers and other interested persons.

Request for Written Comments

Any person may participate in the rulemaking proceeding by submitting written comments or exhibits to the Commission. Comments and exhibits may be submitted at any time before 5:00 p.m. on April 9, 1999.

Note: Comments and exhibits will be made part of the record of the rulemaking proceeding only if they identify the author's name, address and occupation, and if they include a sworn and notarized statement indicating that the comment and/or exhibit is presented based upon the author's personal knowledge and belief. Facsimile copies will be accepted up until the 5:00 p.m. deadline, but the original must then be sent by ordinary mail.

List of Subjects in 7 CFR Part 1381

Administrative practice and procedure, Milk.

Codification in Code of Federal Regulations

For reasons set forth in the preamble, the Northeast Dairy Compact Commission amends 7 CFR Part 1381 as follows:

PART 1381—RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM COMPACT OVER-ORDER PRICE REGULATION

1. The authority citation for Part 1381 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Section 1381.4 is amended by revising paragraph (a) to read as follows:

§ 1381.4 Conduct of proceedings.

(a) *Appointment of hearing panel.* Upon receipt of a petition, and as determined appropriate by the Commission's Committee on Administration, the Chair shall appoint a hearing panel of either one to three Commission members, who are not

¹ 62 FR 29626 (May 30, 1997)

² 62 FR 62810 (Nov. 25, 1997)

³ 63 FR 10104 (Feb. 27, 1998); 63 FR 46385 (Sept. 1, 1998); and 63 FR 65517 (Nov. 27, 1998).

⁴ 62 FR 35065 (June 30, 1997) and 62 FR 36651 (July 9, 1997).

⁵ Article VI, section 16(b) of the Compact provides that: "Any handler subject to an order may file a written petition with the commission stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition, which shall be final, if in accordance with law."

⁶ The Commission requested comments be filed by July 30, 1997. 62 FR 35065 (June 30, 1997).

members of the state delegation in which the Handler is incorporated or has its principal place of business, who have no pecuniary interest in the outcome, and who are otherwise fair and impartial, or an independent hearing officer. The hearing panel shall consider the petition. For hearing panels of Commission members greater than one member, the Chair shall designate a chief hearing officer.

* * * * *

Dated: March 4, 1999.

Kenneth M. Becker,
Executive Director.

[FR Doc. 99-5865 Filed 3-9-99; 8:45 am]

BILLING CODE 1650-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-152-AD; Amendment 39-11065; AD 99-06-01]

RIN 2120-AA64

Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-31, PA-31-300, PA-31-325, PA-31-350, and PA-31P-350 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 81-15-04 R1, which currently requires repetitively inspecting for cracks at the elevator outboard hinge attachment on the horizontal stabilizer rear spar on certain The New Piper Aircraft, Inc. (Piper) Models PA-31, PA-31-300, PA-31-325, PA-31-350, and PA-31P-350 airplanes, and if cracks are found, incorporating a spar and hinge bracket assembly kit. This AD requires repetitively inspecting the horizontal rear spar in the area of the outboard hinge attachment and the outboard hinge attach bracket for cracks. When cracks are found or at a certain accumulation of time-in-service (TIS), this AD also requires modifying the horizontal stabilizer spar by incorporating an improved stabilizer spar and hinge bracket assembly kit that will terminate the repetitive inspections. This AD is prompted by several field reports of cracks found during routine inspections on airplanes already in compliance with AD 81-15-04 R1. The actions specified by this AD are intended to prevent failure of the horizontal stabilizer rear spar caused by cracks at the elevator outboard hinge

attachment, which could result in loss of control of the airplane.

DATES: Effective April 20, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 20, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-152-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Herderich, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703-6084; facsimile: (770) 703-6097.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Piper Model PA-31, PA-31-300, PA-31-325, PA-31-350, and PA-31P-350 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 21, 1998 (63 FR 50174). The NPRM proposed to supersede AD 81-15-04 R1, Amendment 39-4200, which currently requires repetitively inspecting for cracks at the elevator outboard hinge attachment on the horizontal stabilizer rear spar, and if cracks are found, incorporating a spar and hinge bracket assembly kit. The NPRM proposed to require:

- Inspecting the horizontal stabilizer rear spar at the outboard hinge attachment and outboard hinge attach bracket for cracks;

- If no cracks are found, the NPRM proposed to require repetitively inspecting this area until cracks are found; and

- If cracks are found or upon the accumulation of 500 hours TIS, whichever occurs first, modify the horizontal stabilizer rear spar by incorporating Piper Kit No. 766-646. The incorporation of this kit will terminate the currently required repetitive inspections.

Accomplishment of the proposed inspections as specified in the NPRM would be in accordance with Piper Service Bulletin (SB) No. 1007, dated September 30, 1997. Accomplishment of the proposed modification as specified in the NPRM would be in accordance with the Instructions in Piper Kit No. 766-646, which is referenced in Piper SB No. 1007, dated September 30, 1997.

The NPRM was the result of several field reports of cracks found during routine inspections on airplanes already in compliance with AD 81-15-04 R1.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Differences Between the Service Information and This AD

The compliance time specified in Piper Service Bulletin No. 1007, dated September 30, 1997, is different than the compliance time in this AD. The FAA is not using the 50 hours time-in-service (TIS) as the initial and repetitive inspection times, as specified in the service bulletin. Fifty hours TIS or less is normally reserved for urgent safety of flight conditions, and this AD is not considered an urgent safety of flight condition. Based on engineering judgment and the service history received from the field, the FAA is utilizing an initial and repetitive inspection time of 100 hours TIS in order to allow operators a reasonable amount of time to accomplish this action.

Cost Impact

The FAA estimates that 1,739 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 11 workhours per airplane to accomplish the actions in this AD, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$478 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$1,978,982, or \$1,138 per airplane.